IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

W.P.(C).No.1899 of 2007(A)

PETITIONER:-

PAUL PERERA, AGED 51 YEARS
S/O.MANNUAL PERERA
KALAVARA PARAMBIL HOUSE
KUNJITHAI.P.O.
NORTH PARAVUR

BY ADV. SMT.M.SINDHU THANKAM

RESPONDENTS:-

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1. SPECIAL SALE OFFICER
   ASSISTANT REGISTRAR OF CO-OP.SOCIETIES (GENERAL)
   N.PARUR

2. THE VADAKKEKARA SERVICE CO-OP.BANK,
   NO. 3131, REPRESENTED BY SECRETARY

R1 BY SENIOR GOVERNMENT PLEADER SRI.P.K.RAVIKRISHNAN.
R2 BY ADV. SRI.T.K.SHAJAHAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 - TRUE COPY OF THE DEMAND NOTICE BY 1ST RESPONDENT IN ARC NO.2661/2003.

EXT.P2 - TRUE COPY OF THE PLAINT BY 1ST RESPONDENT IN ARC NO.2661/2003.

RESPONDENT'S EXHIBITS:-

EXT.R2(A) - TRUE COPY OF THE LOAN APPLICATION DT.22.5.2001 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.R2(B) - TRUE COPY OF THE BOND DATED 22.5.2001 EXECUTED BY THE PETITIONER IN FAVOUR OF 2ND RESPONDENT.

EXT.R2(C) - TRUE COPY OF THE MORTGAGE DEED DATED 21.5.2001 EXECUTED BY THE PETITIONER IN FAVOUR OF 2ND RESPONDENT BANK.

- TRUE COPY -

K.Padmanabhan Nair,J.

W.P.(C).No.1899 of 2007-A

Dated, this the 21st day of February, 2007

JUDGMENT

It is submitted by the counsel for the petitioner that challenging the award impugned in this case the petitioner has filed a revision petition before the Co-operative Tribunal and the same is pending. It is submitted that in view of the pendency of the revision petition, this writ petition may be closed without prejudice to the right of the petitioner to challenge the final order that may be passed by the Tribunal.

2. This Court had stayed the sale of the properties on condition that the petitioner deposits an amount of Rs.25,000/-. The petitioner has complied with the condition and this Court had extended the stay till 13.3.2007. Considering the facts and circumstances of this case, it is only just and proper that the sale proceedings be adjourned for a period of three months from today, within which period the Co-operative Tribunal shall hear and dispose of the revision petition with due notice to the 2nd respondent-Bank also.

In the result, the writ petition is disposed of in the following manner: The writ petition is closed without prejudice to the right of the petitioner to challenge the final order that may be passed by the Co-operative Tribunal in the revision petition filed by the petitioner. There will be a direction to the Co-operative to hear and dispose of the revision petition, if any, filed by the petitioner within a period of three months from today with due notice to the 2nd respondent-Bank. The sale proceedings shall stand adjourned for a period of three months from today.

K.Padmanabhan Nair
Judge

vku/-